

# Exhibit A

Page 1

Volume I

Pages 1 - 177

Exhibits 10 - 52

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Case No. 1:12-cv-00127

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JEFFREY BRADLEY,

Plaintiff,

VS.

WELLS FARGO BANK, N.A., TRUSTEE POOLING AND  
SERVICING AGREEMENT DATED AS OF OCTOBER 1, 2004  
ASSET-BACKED PASS-THROUGH CERTIFICATES SERIES  
2004-MHQ1, ET AL.,

Defendants.

\*\*\*\*\*

DEPOSITION of ERIC G. MART, Ph.D., ABPP

Wednesday, August 5, 2015 at 10:00 a.m.

Regus Business

170 Commerce Way, Suite 200

Portsmouth, New Hampshire 03801

----- Jacqueline P. Travis, RPR, CSR -----

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2

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12

13 ALSO PRESENT:

14 Elana Brander, summer intern

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## I N D E X

Testimony of:	Page (s)
ERIC G. MART, Ph.D., ABPP	
By Mr. Bono	7

## E X H I B I T S

Exhibit No.	Description	For I.D.
Exhibit 10	Invoice dated August 5, 2015	19
Exhibit 11	Agreement dated January 12, 2015	21
Exhibit 12	Curriculum Vitae of Eric G. Mart, Ph.D., ABPP	23
Exhibit 13	Copy of shipping label dated February 11, 2015	23
Exhibit 14	Trauma Symptom Inventory-2 Score Report dated January 12, 2015	23
Exhibit 15	Clinical Interview/History	25
Exhibit 16	Letter dated January 14, 2015	26
Exhibit 17	Personality Assessment Inventory Score Report dated January 12, 2015	26
Exhibit 18	Handwritten notes	27
Exhibit 20	Confidential Psychological Report dated January 22, 2015	29
Exhibit 20	Welcome Page of Eric G. Mart, Ph.D., ABPP Board Certified Forensic Psychologist	39

1	Exhibit	21	Practice Areas Web Page of	
2			Eric G. Mart, Ph.D., ABPP	
3			Board Certified Forensic	
4			Psychologist	44
5	Exhibit	22	Article entitled	
6			Psychotherapist's Testimony	
7			and Personal Injury Cases:	
8			Coping With the Stealth	
9			Evaluation	50
10	Exhibit	23	Ethical Principles of	
11			Psychologists and Code of	
12			Conduct	64
13	Exhibit	24	Dr. Mart's LinkedIn page	65
14	Exhibit	25	List of Court Appearances and	
15			Depositions dated January 1,	
16			2005 to April 15, 2014 for	
17			Dr. Mart	70
18	Exhibit	26	Medical Records Certification	
19			Form dated February 3, 2015	101
20	Exhibit	27	Mental Health	
21			Assessment/Consultation/Er/	
22			Inpatient Admission Form dated	
23			October 8, 2001	103
24	Exhibit	28	Seacoast Mental Health Center	
25			note dated November 8, 2001	105
	Exhibit	29	Seacoast Mental Health Center	
			Medication Sheet	112
	Exhibit	30	Seacoast Mental Health Center	
			Emergency Services Contact	
			Sheet	114
	Exhibit	31	Seacoast Mental Health Medical	
			Treatment Plan	114
	Exhibit	32	Seacoast Mental Health Center	
			Medical Treatment Plan Update	
			Form	115

1	Exhibit	33	Seacoast Medical Health Center med check evaluation dated	
2			August 30, 2002	115
3	Exhibit	34	Seacoast Medical Health Center med check evaluation dated	
4			November 29, 2001	117
5	Exhibit	35	Seacoast Mental Health Center med check eval dated July 26,	
6			2002	118
7	Exhibit	36	Seacoast Mental Health Center med check eval dated October	
8			11, 2002	120
9	Exhibit	37	Letter dated November 13, 2002	122
10	Exhibit	38	Health Screening Form dated	
11			March 3, 2006	123
12	Exhibit	39	Lamprey Health Care - Raymond medical note dated January 27,	
13			2006	124
14	Exhibit	40	Lamprey Health Care - Raymond medical note dated February 8,	
15			2006	127
16	Exhibit	41	Lamprey Health Care - Raymond medical note dated March 8,	
17			2006	130
18	Exhibit	42	Lamprey Health Care - Raymond medical note dated August 10,	
19			2006	131
20	Exhibit	43	Lamprey Health Care - Raymond medical note dated December	
21			26, 2006	132
22	Exhibit	44	Lamprey Health Care - Raymond medical note dated January 30,	
23			2009	135
24	Exhibit	45	Lamprey Health Care - Raymond medical note dated March 18,	
25			2009	138

1	Exhibit	46	Lamprey Health Care - Raymond	
2			medical note dated February 4,	
3			2011	141
4	Exhibit	47	Lamprey Health Care - Raymond	
5			medical note dated February	
6			25, 2011	144
7	Exhibit	48	Lamprey Health Care - Raymond	
8			medical note dated June 10,	
9			2011	145
10	Exhibit	49	Lamprey Health Care - Raymond	
11			medical note dated October 7,	
12			2011	150
13	Exhibit	50	Lamprey Health Care - Raymond	
14			medical note dated February	
15			23, 2012	154
16	Exhibit	51	Lamprey Health Care - Raymond	
17			medical note dated January 11,	
18			2013	157
19	Exhibit	52	Initial Psychiatric Evaluation	
20			dated March 3, 2006	159

EXHIBITS APPENDED TO ORIGINAL TRANSCRIPT

\*\* ORIGINAL EXHIBITS 10 - 19 RETAINED IN DR. MART'S  
CUSTODY

\*\* COPY OF EXHIBIT 12 NOT INCLUDED IN APPENDED  
EXHIBITS

1 P-R-O-C-E-E-D-I-N-G-S

2 ERIC G. MART, Ph.D., ABPP, having been duly  
3 sworn by the Notary Public, was examined and  
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MR. BONO:

7 Q. Good morning, Dr. Mart.

8 A. Good morning.

9 Q. My name is Alexander Bono. My colleague,  
10 Beth LaCombe and I are representing two of the  
11 defendants in this lawsuit, Ocwen and Wells Trust.  
12 I will just refer to them as Ocwen and Wells or the  
13 trust for convenience, if that's okay?

14 A. That's fine.

15 Q. There are two other defendants that I don't  
16 represent. I'm going to ask you some questions this  
17 morning. If there is anything that's unclear, just  
18 let me know and I will try to do a better job.

19 A. Okay.

20 Q. Dr. Mart, please give us your full name.

21 A. My name is Eric Gallon Mart. And that's  
22 M-A-R-T.

23 Q. And Dr. Mart, what is your date of birth?

24 A. It's November 4th, 1955.

25 Q. Dr. Mart, could you please tell us very



1           Q. Now, just I want to direct your attention  
2 to the bottom of page 2 and top of page 3 of the  
3 publication that we've marked as D-22, and you're  
4 talking about Section 7.02(a) and the strategies  
5 that are helpful, and at the bottom of that  
6 paragraph you talk about "This means that treating  
7 therapists who testify that their clients had been  
8 traumatized by a defendant's alleged actions or  
9 negligence may actually be acting unethically if  
10 they have not made efforts to corroborate the story,  
11 substantiate the existence of the symptoms, or rule  
12 out symptom exaggeration, malingering or false  
13 imputation."

14           A. Yes.

15           Q. What do you mean by that?

16           A. Well, this comes up quite a bit. There  
17 will be a divorce going on and parent A will take a  
18 child to a therapist. Parent A will tell the  
19 therapist their version of the events. And the  
20 therapist, having spoken only to that parent and to  
21 the child will go into court and say this child has  
22 definitely been abused by parent B. Parent B should  
23 have no contact outside of supervision, and provides  
24 those types of opinions.

25           Q. What type of techniques are used for

1 corroborating the story?

2 A. When possible, you try to see if there is  
3 information in the record or from other individuals  
4 that supports or don't support the individual's  
5 version of the events.

6 Q. Deposition testimony?

7 A. That could be helpful.

8 Q. Have you read deposition testimony in  
9 connection with your report regarding Jeffrey  
10 Bradley?

11 A. I have not.

12 Q. Would it be fair to say that the deposition  
13 of others in this case might corroborate whether his  
14 story is accurate or not?

15 A. It could.

16 Q. "Substantiating the existence of symptoms,"  
17 is that different than corroboration?

18 A. Well, it would be a little different  
19 because, I mean, although they're related concepts,  
20 it would be somebody tells you they're terribly  
21 depressed, you do some testing and clinical  
22 assessment to determine whether they actually appear  
23 to be depressed.

24 Q. So it would be some kind of empirical test?

25 A. Empirical testing isn't the end-all,

1           A. Attorney Harman called me up, said I have a  
2 case of a gentleman whose house was, we think,  
3 wrongly repossessed and his personal possessions,  
4 many of them were destroyed. And we would like an  
5 assessment to see how, if his mental state was  
6 affected by that.

7           Q. And according to Exhibit D-10 through D-19,  
8 which were the sum and substance of your file on  
9 Mr. Bradley, there's no indication of that referral,  
10 correct?

11          A. I'm not sure I understand your question.

12          Q. Was there anything in the file that shows  
13 this referral that you just described from  
14 Ms. Harman?

15          A. The record was in my file.

16          Q. I'm talking about the original referral.  
17 Did you receive a letter?

18          A. No, she called me.

19          Q. Did you receive a copy of the pleadings  
20 that described what the lawsuit was about?

21          A. I don't believe so.

22          Q. Have you ever looked at the pleadings in  
23 this lawsuit to determine what it's about?

24          A. I have not looked at the pleadings.

25          Q. So you don't know whether there's a first,

1 second or third amended complaint in this case,  
2 correct?

3 A. I do not.

4 Q. You don't know whether the judge has thrown  
5 out certain claims in this case?

6 A. I don't.

7 Q. And you don't know whether the loss of his  
8 home is an issue in the lawsuit, do you?

9 A. Only insofar as what the attorney  
10 represented to me and he represented to me.

11 Q. But you didn't go back and verify by  
12 looking at the pleadings to see what the claims were  
13 that were still outstanding, did you?

14 A. I didn't. And I probably wouldn't have  
15 anyway, because I don't really under -- this is a  
16 very complicated area of law, and I'm not sure I'd  
17 follow.

18 Q. I'm not sure I'd agree with you it's  
19 complicated all. Did you look at any photographs  
20 concerning the possessions that he claimed were  
21 destroyed?

22 A. No.

23 Q. And you already testified you looked at no  
24 depositions in this case, correct?

25 A. That's correct.

1 medical records?

2 A. No.

3 Q. Fair to say you've never seen what we've  
4 marked as D-26 before?

5 A. No.

6 Q. Is this something that you would have liked  
7 to have seen in doing your assessment of  
8 Mr. Bradley?

9 A. Yes.

10 Q. And fair to say that your assessment is  
11 incomplete because you lacked the opportunity to  
12 review this sort of important data?

13 A. Yes.

14 Q. This says that Mr. Bradley, in July of  
15 2002, was hospitalized at Hampstead Hospital and  
16 diagnosed with bipolar disorder and started on  
17 Depakote, correct?

18 A. Yes.

19 Q. And what is Depakote?

20 A. It's a mood stabilizer.

21 Q. This also says that he was taken off Zoloft  
22 and given a trial of Effexor?

23 A. Yes.

24 Q. Correct? Do you have any reason to believe  
25 that Dr. Tim Breitholtz would lie on a closing

1 summary for a patient of his?

2 A. No.

3 MR. BONO: Let's mark D-27.

4 (Exhibit No. 27, marked; Mental Health  
5 Assessment/Consultation/Er/Inpatient Admission Form  
6 dated October 8, 2001.)

7 A. Okay.

8 Q. Fair to say you've never seen D-27 before  
9 today?

10 A. That's correct.

11 Q. Is this something you would have liked to  
12 have seen in doing your assessment of Mr. Bradley?

13 A. Yes.

14 Q. And is it fair to say that your assessment  
15 is incomplete because you didn't have the  
16 opportunity to review something like D-27?

17 A. Yes.

18 Q. And D-27 references Mr. Bradley's specific  
19 episode of the loss of a long-term job in 2001, to  
20 summarize, correct?

21 A. Yes.

22 Q. And among other things, it also says for  
23 five years he had been under the care of Dr. Stern  
24 and received a series of meds without success,  
25 correct?

1 the dumpster?

2 A. No.

3 Q. I'm going to show you Exhibit 6 that was  
4 marked at a prior deposition, and it includes --  
5 it's a declaration of Patricia E. McTaggart, but it  
6 includes in Exhibit B, and Exhibit B has it in  
7 photographs, and I'm going to show you specifically  
8 a photograph that's dated 8/8/2011. And for some  
9 reason the page got taken off, but the page is 0044.  
10 Have you ever seen that before?

11 A. No.

12 Q. Do you see a prom dress in there?

13 A. I can't tell.

14 Q. I can't either. Did he tell you that --  
15 did Mr. Bradley tell you that the kitchen cabinets  
16 had been taken out of his home?

17 A. I don't recall.

18 Q. By he or his wife?

19 A. I don't recall hearing that one way or the  
20 other.

21 Q. So I want you to look at page 3 of your  
22 report, which we marked as D-19, sir.

23 A. Okay.

24 Q. And specifically I'm going to direct your  
25 attention to the middle of the page. It says,

1 "Mr. Bradley reports that in early adolescence," et  
2 cetera?

3 A. Okay.

4 Q. Now, that paragraph, based on the  
5 information that we looked at in 20 or so exhibits,  
6 is at least incomplete, correct?

7 A. Yes.

8 Q. And in many cases, flat out wrong, right?

9 A. That's correct.

10 Q. But that's what you based your assessment  
11 on, this incomplete, incorrect information, right?

12 A. Yes.

13 Q. And that information came from Mr. Bradley,  
14 correct?

15 A. That's correct.

16 Q. And you did nothing to look at records to  
17 verify the accuracy of the information he was giving  
18 you other than giving him a test?

19 A. I could not have asked for records that I  
20 didn't know existed.

21 Q. It appears though the records existed. You  
22 just never got them.

23 A. That's correct.

24 Q. You don't have any doubt that all these  
25 records that we looked at from 2001 onward existed



1 at the time that you did the assessment of  
2 Mr. Bradley, do you?

3 A. They would have to have.

4 Q. I want you to look at page 5, please, under  
5 "Trauma Symptom Inventory-2."

6 A. Okay.

7 Q. Specifically the second paragraph about the  
8 scores on the validity scale.

9 A. Yes.

10 Q. And you reach the conclusion, "As a result,  
11 his scores on the clinical scales are likely to be  
12 an accurate reflection of his level of traumatized  
13 symptoms."

14 A. Trauma-related symptoms, yes.

15 Q. And do you stand by that given all the  
16 other documentary evidence that you've seen today?

17 A. Yes.

18 Q. Okay. But it's fair to say that the Trauma  
19 Symptom Inventory-2 did not take into account all of  
20 the various prior history that could have resulted  
21 in elevations of various scores, correct?

22 A. Right, it's not -- it can't tell you when  
23 something happened or what happened.

24 Q. I'd like you to look at page 6 of your  
25 report that's been marked as D-19, specifically the

1 next to the last paragraph.

2 A. Yes.

3 Q. And it states, "With regard to causation,  
4 all of the available information indicates that  
5 Mr. Bradley's severe depression and anxiety are  
6 directly related to the loss of his home and  
7 possessions, and the associated break of his  
8 family." What do you mean by "causation"?

9 A. That one had a direct influence on the  
10 creation of the other.

11 Q. The influence, did they cause it?

12 A. Yes. I mean, that's what I meant by  
13 causality.

14 Q. Are you confident that your conclusion on  
15 causation is complete?

16 A. No.

17 Q. It fails to take in consideration a number  
18 of episodes in his prior history, correct?

19 A. That's correct.

20 Q. It fails to take in consideration lots of  
21 reports by psychiatrists, correct?

22 A. That's correct.

23 Q. It fails to take into consideration the  
24 years of antidepressants that he was on, correct?

25 A. That's correct.

1 Q. It fails to take into consideration his  
2 unilateral modification of the prescription dosages  
3 for those prescription drugs, correct?

4 A. That's correct.

5 MR. BONO: I have no other questions.

6 MS. HALL: I have no questions.

7 (Whereupon the deposition concluded at  
8 3:14 p.m.)  
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